

Appendix D

Mar 02 05 04:55p

Boise National Forest

(208) 384-3480

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Post-It® Fax Note	7671	Date	3/2/2005	# of pages	4
To	JOE BARD	From	Tom BETZOLD		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #		Fax #			

WHEN RECORDED MAIL TO:

Mr. Tom Betzold
 USDA Forest Service
 Boise National Forest Warehouse
 1918 Commerce
 Boise, ID 83705
 (208) 384-3288

QUITCLAIM DEED

THIS QUITCLAIM DEED is made this 6th day of August, 2004, by and between the **UNITED STATES OF AMERICA**, acting by and through the Forest Service, Department of Agriculture, hereinafter called **GRANTOR**, and **MONARCH GREENBACK, LLC**, hereinafter called **GRANTEE**.

WITNESSETH: The Grantor is authorized to convey certain National Forest System lands by the act of January 12, 1983 (96 Stat. 2535; 16 U.S.C. 521c), the provisions of which have been met.

NOW THEREFORE, the Grantor, for and in consideration of the payment of **FOUR THOUSAND FIVE HUNDRED FIFTY SIX and No/100 DOLLARS (\$4,556.00)**, the receipt of which is hereby duly acknowledged, does hereby remise, release, and quitclaim unto the Grantee, its successors and assigns, all its right, title, interest, and claim in and to the real property situated in the County of Elmore, State of Idaho, more particularly described as follows:

Boise Meridian

T. 5 N., R. 11 E.,
 Sec. 2, Lot 18

Containing 9.04 acres, more or less.

CERCLA 120(h) COVENANTS

THE UNITED STATES OF AMERICA hereby notifies the **GRANTEE** that hazardous substances are known to have been released on the property and that a report entitled "Remedial Investigation/Feasibility Study for the Tailings Pile Area, Talache Mine Tailings Site," describing the type, quantity, and dates of releases of such hazardous substances is hereby incorporated into this deed by reference. The report is available for review and is located at the Talache Mine Administrative Record, Environmental Protection Agency, Idaho Operations Office, 1435 North Orchard Street, Boise, Idaho, 83706. The information contained in this notice is required under the authority of regulations promulgated under section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act.

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THE GRANTOR hereby reserves to the **UNITED STATES OF AMERICA** all rights of ingress and egress to the property in any case which a response action or corrective action is found to be necessary after the date of this deed.

THE GRANTEE and its heirs, successors, and assigns hereby covenants and warrants that it shall indemnify, defend, and hold harmless the **UNITED STATES OF AMERICA**, and its various agencies and employees from any injury, damages, loss, claims, liabilities, costs, and judgments arising from future acts or omissions by any entity, including its employees, agents, contractors, or lessees, arising out of, or in connection with, **THE GRANTEE'S** use, occupancy, or operations on the property, including: (1) violations of Federal, State, and local laws and regulations which are now, or may in the future become applicable to the subject property, including but not limited to, the Oil Pollution Act, 33 U.S.C. Sec. 2701 et seq., the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Sec. 9601 et seq.; (2) judgments, claims, or demands assessed against the **UNITED STATES OF AMERICA**; (3) releases or threatened releases on or into the property and other interests of the **GRANTOR** by solid waste and/or hazardous substance(s) as defined by Federal, State, and local environmental laws after the date of this deed.

These covenants by the **GRANTEE** and the **UNITED STATES OF AMERICA** shall be construed as running with the land, and may be enforced by the **UNITED STATES OF AMERICA** or the **GRANTOR** in a court of competent jurisdiction.

IN WITNESS WHEREOF, the **GRANTOR**, by its duly authorized representative, has executed this Quitclaim Deed pursuant to the delegation of authority promulgated in Title 7 CFR 2.60 and 49 F.R. 34283, August 29, 1984.

UNITED STATES OF AMERICA

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Mr. Tom Betzold
USDA Forest Service
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WITNESSETH: The Grantor is authorized to convey certain National Forest System lands by the act of January 12, 1983 (96 Stat. 2535; 16 U.S.C. 521c), the provisions of which have been met.

NOW THEREFORE, the Grantor, for and in consideration of the payment of **FOUR THOUSAND NINETY THREE and No/100 DOLLARS (\$4,093.00)**, the receipt of which is hereby duly acknowledged, does hereby remise, release, and quitclaim unto the Grantee, its successors and assigns, all its right, title, interest, and claim in and to the real property situated in the County of Elmore, State of Idaho, more particularly described as follows:

Boise Meridian

T. 5 N., R. 11 E.,
Sec. 2, Lot 17

Containing 8.12 acres, more or less.

CERCLA 120(h) COVENANTS

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THE GRANTEE and its heirs, successors, and assigns hereby covenants and warrants that it shall indemnify, defend, and hold harmless the **UNITED STATES OF AMERICA**, and its various agencies and employees from any injury, damages, loss, claims, liabilities, costs, and judgments arising from future acts or omissions by any entity, including its employees, agents, contractors, or lessees, arising out of, or in connection with, **THE GRANTEE'S** use, occupancy, or operations on the property, including: (1) violations of Federal, State, and local laws and regulations which are now, or may in the future become applicable to the subject property, including but not limited to, the Oil Pollution Act, 33 U.S.C. Sec. 2701 et seq., the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Sec. 9601 et seq.; (2) judgments, claims, or demands assessed against the **UNITED STATES OF AMERICA**; (3) releases or threatened releases on or into the property and other interests of the **GRANTOR** by solid waste and/or hazardous substance(s) as defined by Federal, State, and local environmental laws after the date of this deed.

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United States Department of Agriculture